

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Kareem Abdule Jabbar Leaphart,	)	Case No. 3:21-cv-00494-DCC
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Douglas Curry,	)	
	)	
Defendant. <sup>1</sup>	)	
	)	

This matter is before the Court on Defendant's Motion for Summary Judgment. ECF No. 18. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Judge Mary Gordon Baker for pre-trial proceedings and a Report and Recommendation ("Report"). On February 2, 2022, Defendant filed a Motion for Summary Judgment. ECF No. 40. Plaintiff filed a Response in Opposition and a Motion for Summary Judgment. ECF No. 45. Defendant filed a Reply to his own Motion and a Response in Opposition to Plaintiff's Motion. ECF No. 46. On May 5, 2022, the Magistrate Judge issued a Report recommending that Defendant's Motion be granted and, to the extent Plaintiff is moving for summary

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<sup>1</sup> This caption represents the current parties to this action.

judgment, that his Motion be denied. ECF No. 47. Plaintiff filed objections to the Report.<sup>2</sup> ECF No. 49.

### **LEGAL STANDARD**

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

### **ANALYSIS**

The Magistrate Judge recommends granting Defendant's Motion for Summary Judgment because Plaintiff's claims are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994); Plaintiff's claims are barred by the statute of limitations; and Defendant is entitled

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<sup>2</sup> Plaintiff labeled this document as “Objections to Report and Recommendation.” It was docketed as a Response in Opposition to the Report. The Court will review the document as objections.

to qualified immunity. ECF No. 47. As previously stated, Plaintiff filed objections to the Report. However, none of Plaintiff's objections address the recommendations of the Magistrate Judge.<sup>3</sup> Nevertheless, out of an abundance of caution for a pro se Plaintiff, the Court has conducted a de novo review of the Report, the record, and the applicable law. Upon such review the Court agrees that Plaintiff's claims are barred by the statute of limitations and that Defendant is entitled to qualified immunity.

### **CONCLUSION**

Accordingly, the Court agrees with the Report of the Magistrate Judge as to her recommendations regarding the statute of limitations and qualified immunity.<sup>4</sup> Defendant's Motion for Summary Judgment [40] is **GRANTED**. Plaintiff's Motion for Summary Judgment [45] is **DENIED**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.  
United States District Judge

August 31, 2022  
Spartanburg, South Carolina

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<sup>3</sup> Since he filed objections to the Report, Plaintiff has filed a notice of change of address [50], a notice [51], a notice of change of address [53], and a letter [54]. The Court has reviewed these documents and finds that they do not substantively add to Plaintiff's objections.

<sup>4</sup> The Court specifically does not adopt the Magistrate Judge's recommendation regarding whether *Heck* operates to bar Plaintiff's claims.

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.